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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,968	05/30/2000	Tai-Her Yang	BEU/YANG/1085RE	1128

7590

04/25/2003

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EXAMINER

WRIGHT, DIRK

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,968

Applicant(s)

YANG, TAI-HER

Examiner

Dirk Wright

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Request for Consideration

This Office Action is in response to Applicant's Request for Reconsideration, filed January 13, 2003. Applicant's request has been carefully considered, but is not deemed persuasive. The Amended Drawings, filed August 16, 2001, contain numerous features that were not originally described in the specification. These features are not labeled with reference numerals and therefore could not have been described in the original specification. For example, the description Applicant cited in col. 4, lines 17-27, do not fully describe what is shown in the Figures. The coupling device M101, as shown in the drawings, includes what appear to be ball bearings, a housing with a flanged surface for attaching to differential housing GB101, three commutators with brushes, etc. None of these features appear to be described in the specification. In regards to the statement that bearings are required by the specification at col. 3, lines 39-41, Applicant should note that the word "bearing" never appears in those lines, or apparently in any other part of the specification. Applicant is surely aware that there are other kinds of bearings besides the ones shown in the drawings, yet not specifically described in the specification, and that to allow the feature from the drawings into the specification would constitute new matter. Stating that something is rotational does not compel one to conclude that it must have bearings, and any material that is implied in the written description does not support a new specific feature in the drawings. It has been therefore been determined that these drawings introduce new matter and will not be entered.

As a result of this determination, applicant has no reissuable error because any corrections to the drawings would introduce new matter. Applicant's declaration is therefore defective.

Applicant may amend the original patented drawings to include features explicitly recited in the written specification in order to avoid introducing new matter. Such structure that is not specifically and explicitly supported by the specification must be shown in schematic format only.

Reissue Applications

The reissue oath/declaration filed with this application is defective because the error that is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414.

Claims 1-18 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Claims 1-18 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material that is not supported by the prior patent is the proposed new drawings, as explained above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

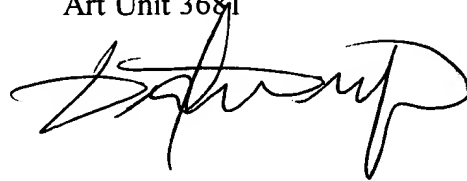
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone numbers for the

Art Unit: 3681

organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Dirk Wright
Primary Examiner
Art Unit 3681

A handwritten signature in black ink, appearing to read 'Dirk Wright', is written over the printed name and title.

dw
April 22, 2003